

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

Mezz57th LLC.

Debtor.

Chapter 11

Case No. 20-11316 (SHL)

FIRST SUPPLEMENTAL DECLARATION OF CHARLES N. PERSING
SUBCHAPTER V TRUSTEE

CHARLES N. PERSING, of full age, under penalty, pursuant to 28 U.S.C. §1746 hereby declares as follows:

1. In connection with the United States Trustee's Notice of Appointment of me as Subchapter V trustee in this proceeding, I hereby declare that I am a "disinterested person" as defined by 11 U.S.C. §101(14) in that I:

- (a) am not a creditor, equity security holder or insider of the debtor;
- (b) am not, and was not, within two years before the date of filing of the petition, a director, officer, or employee of the debtor; and
- (c) do not have an interest materially adverse to the interest of the estate or of any class of creditors or equity security holders, by reason of any direct or indirect relationship to, connection with, or interest in, the debtor, or for any other reason.

2. On June 4, 2020, Bederson became aware that all or some of the three (3) creditors; Mazars USA LLP, which recently merged with Elliott Horowitz & Company LLP and Elliott Horowitz (collectively, "Mazar/Horowitz Creditors") are listed as creditors in this matter. Edward P. Bond, a partner in Bederson currently serves in a fiduciary capacity as the liquidating trustee for the NSC Liquidating Trust, a confirmed chapter 11 case currently pending in the United States Bankruptcy Court for the District of Delaware. Mr. Bond has retained the services of Bederson to act as his accountant and financial advisor in that case. The NSC Liquidating Trust holds also

holds certain potential claims against Mazar/Horowitz Creditors in that case which are wholly unrelated to these proceedings. Although neither I in my capacity as the Subchapter V Trustee nor my firm, Bederson believe that these creditors in other wholly unrelated matters represents a conflict, as the Subchapter V, I submit that I am "disinterested" pursuant to Rule 2014 of the Federal Rules of Bankruptcy Procedure.

3. My current hourly rate is \$415 per hour, which is my rate on all my cases and for all clients, and is subject to yearly adjustment. I will endeavor to arrive at an agreement with the debtor early in this case which takes into consideration the debtor's financial condition and which may result in a lower hourly realization rate at the conclusion of this case. Any such alternative agreement will be disclosed contemporaneously to the Office of the United States Trustee, and will be fully detailed in my fee application.

4. I will be compensated subject to Court approval pursuant to 11 U.S.C. § 330 and 331. In addition, I will also be seeking reimbursement for any actual and necessary expenses I may incur in fulfilling my duties as the Subchapter V Trustee in this case.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Dated: June 8, 2020

By: 